

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| In the Matter of: |) | |
| |) | |
| Deployment of Wireline Services Offering |) | CC Docket No. 98-147 |
| Advanced Service Capabilities |) | |
| |) | |

REPLY COMMENTS OF TDS METROCOM

TDS Metrocom, a facilities-based CLEC serving residential and business customers in small to medium-sized markets in Illinois, Michigan and Wisconsin, submits these reply comments in response to the Verizon Communications request that the Commission clarify that Section 51.323(k)(2) of the Commission's Rules does not preclude an incumbent LEC from "requir[ing] collocators to terminate their facilities on a Point of Termination bay" (POT bay).¹ TDS Metrocom agrees with those parties that view Verizon's request as unnecessary and overly broad² and urges the Commission to reject Verizon's request.

In general, carriers attempt to limit the number of cross-connections in any circuit to minimize potential points of failure and to reduce the possibility of human installation error. The Commission's prohibition of intermediate interconnection arrangements furthers these circuit design goals. Verizon's request claims that POT bays do not fall in the category of intermediate interconnection devices. It *may* be true in some cases that Verizon's use of POT bays is consistent with such general circuit design principles in that they act as a direct connection between carrier networks. However, it is not true that

¹ See Letter from W. Scott Randolph, Director, Regulatory Affairs, Verizon, to Magalie R. Salas, Secretary, FCC, CC Docket No. 98-147, filed Dec. 19, 2001. (Randolph Letter.)

² AT&T Comments at 2, Qwest Comments at 2, ASCENT Letter at 4, Sprint Comments at 1.

requiring the use of POT bays necessarily complies with Commission rules at all times in Verizon's network nor would compliance be assured if carriers with differing network designs were to impose POT bay use requirements. Approval of Verizon's blanket request that covers any and all instances of POT bay requirements would be akin to declaring that *all* arriving planes at an airport were direct flights from their point of origination simply because one carrier could show that *some* of their flights were truly direct connections. In actuality, whether or not a flight (or POT bay) is a direct connection would be affected by numerous factors, most significantly, the structure of the network of each individual airline (or telecommunications carrier).

If the Commission were to clarify its rules in the overly broad manner requested by Verizon, the consequences of that action would have a completely different meaning for carriers operating in other regions with dissimilar network design. For example, if SBC chose to institute a POT bay requirement in the former Ameritech states in which TDS Metrocom operates, it would clearly act as an intermediate interconnection arrangement, resulting in inefficient network design and necessitating wide spread changes in collocation ordering and record keeping processes. Therefore, by "clarifying" its rules with respect to this specific piece of equipment, the Commission would in effect be amending its rules related to intermediate interconnection arrangements because a POT bay can act as either a direct method of interconnection (allowable under current rules) or an intermediate interconnection arrangement (prohibited under current rules).

The appropriate vehicle for Verizon or any other carrier to deal with this type of issue is through the interconnection negotiation process or by amending current agreements. If the use of POT bays for interconnection is as beneficial to both ILECs

and collocators as Verizon purports³ then the issue can easily be resolved by convincing collocators and state regulators to include appropriate provisions in interconnection agreements. This process insures that both carriers are comfortable with the interconnection method or that a neutral third party such as a state commission arbitration panel agrees to the validity of the interconnection requirement. By Verizon's own admission, this process worked to their satisfaction in the state of New York⁴ and there is no reason to believe that it would not work just as well elsewhere. It appears that the underlying reason why Verizon submitted this request to the Commission is to resolve a post-merger audit concern.⁵ Surely the Commission can identify a means to address this audit concern without issuing an unnecessary, overly broad and inappropriate clarification of its collocation rules.

For the reasons cited above as well as those made by other parties in their initial comments, the Commission should reject Verizon's proposed clarification regarding the reasonableness of requiring the use POT bays for interconnection.

Respectfully submitted,

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³ Randolph Letter at 2.

⁴ Verizon Comments at 4.

⁵ Verizon Comments at 5.